

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

KSR-10082/08

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,453,767, granted September 24, 2002

and for which a reissue patent is sought on the invention entitled Adjustable Vehicle Control Pedals

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

SEE APPENDIX A

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code: KSR-10082/08

PTO/SB/51 (10-05)

Appr. for use through 04/30/2007. OMB 0851-0033
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ The address associated with Customer Number:

25006

OR

☐ Firm or
☐ Individual Name

Address

City

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of first joint inventor (given name, family name)

Larry G. Willemson

Inventor's signature

Date

5/12/09

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Citizenship Canadian

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Full name of second joint inventor (given name, family name)

Gregory Scott Kolwich

Inventor's signature

Date

5/12/09

Residence

Beverly Hills, Michigan

Citizenship Canadian

Dual Canadian / American

Mailing Address

21764 Corsaut Lane, Beverly Hills, MI 48025

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached

APPENDIX A

REVISED SUPPLEMENTAL DECLARATION

Larry G. Willemsen and Gregory Scott Kolwich, co-inventors of the above-identified patent and Applicants herein, declare as follows:

1. Applicants believe the original patent to be partly inoperative or invalid by reason of the patentee claiming less than we had a right to claim in the patent. In particular, claim 1 includes a limitation stating that the pedal adjuster includes a “drive mechanism mounted to said bracket.” However, this limitation does not cover embodiments disclosed in the specification in which the drive mechanism is not mounted to the bracket. As such, claim 1 is overly limiting as the specification discloses embodiments in which the drive mechanism extends between the adjuster member and the pedal arm rather than being mounted to the bracket. New claim 6 overcomes the deficiency in claim 1 by disclosing the pedal adjuster described with respect to Figures 15-17 and in column 8, lines 29-67; column 9, lines 1-65; and column 10, lines 1-35.

2. The error in claiming less than the patentee had a right to claim arose through error. This error occurred through inadequate communication between Applicants and their patent attorney during the original prosecution of the patent application resulting in the original patent. Specifically, Applicants failed to adequately communicate with their patent attorney during the original prosecution of this patent as to the important features of the invention now set forth in the newly submitted patent claims.

3. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the Applicants.

4. Applicants have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath/declaration.

5. Applicants believe the named inventors to be the original and first inventors of the subject matter which is claimed and for which a patent is sought.

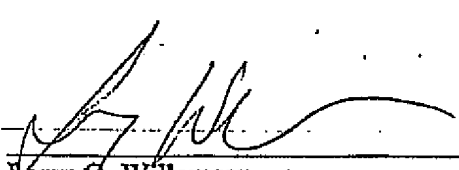
6. Applicants acknowledge the duty to disclose to the Patent Office all information known to the Applicants to be material to patentability as defined in 37 C.F.R. 1.56.

7. Every error in the patent which was corrected in the present reissue application and is not covered by the prior declaration submitted in this application arose without any deceptive intention on the part of the Applicants.

8. Applicants offer to surrender the original patent.

We believe that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 05/13/09


Larry G. Willemssen

Dated: 05/13/09


Gregory Scott Kolwich